

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:
November 17, 2003

CALL TO PODIUM:
Fred Felton
Assistant City Manager

RESPONSIBLE STAFF:
Fred Felton
Assistant City Manager

TITLE:

T-360 – The application requests amendment of Chapter 24 of the City Code (City Zoning Ordinance), entitled, "Zoning," Article I, entitled, "In General," so as to create new §24-8A, entitled, "Applicability of Special Conditions," to require compliance with master plan special conditions on approvals of applications for local map amendments, sketch plans and schematic development plans, concept plans (CD Zone), optional method and special exceptions, and further to amend Article V, entitled, "Site Development Plans," §24-179A, entitled, "Special Conditions," to conform to new §24-8 of Chapter 24.

AGENDA ITEM:
(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/29/2003
	11/5/2003
Hearing Date	11/17/2003
Record Held Open	
Policy Discussion	

SUPPORTING BACKGROUND:

Under current law, master plan special conditions are only applicable to site development plans.

The proposed ordinance would make master plan special conditions applicable to local map amendments, sketch plans, schematic development plans, concept plans, optional method applications, and special exceptions.

Attached: Index of Exhibits and Exhibits

DESIRED OUTCOME:

Planning Commission hold the record open 11 Days (Nov. 28, 2003)

Mayor and City Council hold record open for 21 days (Dec. 8, 2003)

TEXT AMENDMENT TO THE ZONING ORDINANCE

In accordance with Article VIII,
Section 24-194, 195, 197, and 198 of the City Code

Application Number	<u>T-360</u>
Filing Date	<u>10-28-03</u>
P.C. Hearing	<u> </u>
M&C Hearing	<u>JT 11-17-03</u>
Decision	<u> </u>
Decision Date	<u> </u>

Application is hereby made to the

- ☐ City Planning Commission, or
☒ Mayor and City Council

for a change in the text of the Zoning Ordinance of the City of Gaithersburg, Maryland.

This change involves Article I & V, Section \$24-8A & \$24-107A
to be amended per the attached ordinance.

Applicant/Staff Person Jennifer Russel Date 10-28-03

Address 31 South Summit Avenue, Gaithersburg MD 20877

PERIOD-Boyette, M. J.

**JOINT
EXHIBIT**

1

T-360

ORDINANCE No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE I, ENTITLED, "IN GENERAL," SO AS TO CREATE NEW §24-8A ENTITLED, "APPLICABILITY OF SPECIAL CONDITIONS," TO REQUIRE COMPLIANCE WITH MASTER PLAN SPECIAL CONDITIONS ON APPROVALS OF APPLICATIONS FOR LOCAL MAP AMENDMENTS, SKETCH PLANS AND SCHEMATIC DEVELOPMENT PLANS, CONCEPT PLANS (CD ZONE), OPTIONAL METHOD AND SPECIAL EXCEPTION, AND FURTHER TO AMEND ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," §24-107A ENTITLED, "SPECIAL CONDITIONS," TO CONFORM TO NEW §24-8A OF CHAPTER 24.

Text Amendment T-360

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled that Chapter 24 of the City Code (City Zoning Ordinance), Article I is hereby amended to create new §24-8A to read as follows:

ARTICLE I. IN GENERAL

* * * * *

Sec. 24-8A. Applicability of Special Conditions.

The city council and the city board of appeals as applicable, may approve a local map amendment, sketch plan, schematic development plan, concept plan (CD Zone), optional method application, special exception or amendment thereto for properties specifically identified in a master plan or amendment thereto having special conditions or requirements for the development and use thereof or special conditions or requirements as to availability of public facilities only upon a finding that said local map amendment, sketch plan, schematic development plan, concept plan (CD Zone), optional method application, special exception or amendments thereto is consistent with the conditions and requirements specified in the master plan or amendment regarding said property.

The special conditions and requirements for the development and use of these properties or public facilities requirements applicable thereto shall be imposed and set forth in the master plan or amendment thereto only after notice to the property owner and general public and a public hearing thereon as part of the master plan process. All such application and plan approvals shall be subject to enforcement procedures and requirements applicable to violations of this Chapter 24 as established by this Code.



The provisions of this section shall apply only to master plans and amendments thereto adopted after December 24, 1984.

BE IT FURTHER ORDAINED, by the Mayor and Council of the City of Gaithersburg in public meeting assembled that Chapter 24 of the City Code (City Zoning Ordinance), Article V, §24-170A is hereby amended to read as follows:

ARTICLE V. SITE DEVELOPMENT PLANS

* * * * *

Sec. 24-170A. Special Conditions.

The city planning commission may approve a site development plan for properties specifically identified in a master plan or amendment thereto having special conditions or requirements for the development and use thereof, or special conditions and requirements as to availability of public facilities only upon a finding that said site development plan is consistent with the conditions and requirements specified in the master plan or amendment regarding said property.

The special conditions and requirements for the development and use of these properties or public facilities requirements applicable thereto shall be imposed and set forth in the master plan or amendment thereto only after notice to the property owner and general public and a public hearing thereon as part of the master plan process. All such site development plans shall be subject to enforcement procedures and requirements applicable to site development plans generally as established by this Code.

The provisions of this section shall apply only to master plans and amendments thereto adopted after December 24, 1984.

ADOPTED this ____ day of _____, 2003, by the City Council of Gaithersburg, Maryland.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003, APPROVED/DISAPPROVED by the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003.

SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2003, and the same was approved by the Mayor of the City of Gaithersburg on the ____ day of _____, 2003. This Ordinance will become effective on the ____ day of _____, 2003.

DAVID B. HUMPTON, City Manager

S\PLANCODE\TEXT AMENDMENTS\T-360 SP. CONDS\DRAFT I



Gaithersburg
A CHARACTER COUNTS! CITY

October 28, 2003

Karey Major, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **October 29 and November 5, 2003**, issues of the *Gaithersburg Gazette*.

Sincerely,

Jennifer Russel, Director
Planning and Code Administration

ASSIGN CODE: T-360 Acct# 133649

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-360, filed by Jennifer Russel for the Mayor and City Council, on

**MONDAY
NOVEMBER 17, 2003
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests amendment of Chapter 24 of the City Code (City Zoning Ordinance), entitled, "Zoning," Article I, entitled, "In General," so as to create new §24-8A, entitled, "Applicability of Special Conditions," to require compliance with master plan special conditions on approvals of applications for local map amendments, sketch plans and schematic development plans, concept plans (CD Zone), optional method and special exceptions, and further to amend Article V, entitled, "Site Development Plans," §24-179A, entitled, "Special Conditions," to conform to new §24-8 of Chapter 24.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Jennifer Russel, Director
Planning and Code Administration
mg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Ann T. Somerset

CITY MANAGER
David B. Humpton

**JOINT
EXHIBIT**

#3

T-360



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

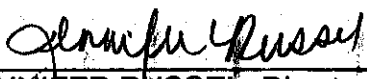
Meeting: MAYOR AND CITY COUNCIL
Application Type: TEXT AMENDMENT
File Number: T-360
Applicant: JENNIFER RUSSEL FOR MAYOR & CITY COUNCIL
Day/Date/Time: MONDAY, NOVEMBER 17, 2003, AT 7:30 P.M.
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE

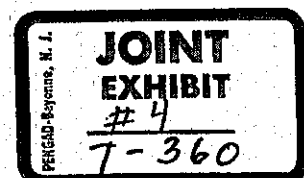
IMPORTANT

This is a proposal to amend Chapter 24 of the City Code (City Zoning Ordinance), entitled, "Zoning," Article I, entitled, "In General," so as to create new §24-8A entitled, "Applicability of Special Conditions," to require compliance with master plan special conditions on approvals of applications for local map amendments, sketch plans and schematic development plans, concept plans (CD Zone), optional method and special exceptions, and further to amend Article V, entitled, "Site Development Plans," §24-179A entitled, "Special Conditions," to conform to new §24-8A of Chapter 24. (A copy of the draft ordinance can be viewed at www.ci.gaithersburg.md.us/notices.) This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.ci.gaithersburg.md.us>.

CITY OF GAITHERSBURG

By: 
JENNIFER RUSSEL, Director
Planning and Code Administration



NOTICES SENT THIS 31ST DAY OF OCTOBER, 2003, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Stanley D. Abrams, City Attorney
Mary Beth Smith, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)